

ESTTA Tracking number: **ESTTA654462**

Filing date: **02/06/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91219962
Party	Defendant J THOMAS WHARTON, ESQ.
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Date	02/06/2015
Attachments	Answer to Notice of Opposition_FILED.pdf(86714 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MMO LIFE B.V.,

Opposer,

v.

J THOMAS WHARTON, ESQ.,

Applicant.

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Opposition No. 91219962

Serial No. 86311911

ANSWER TO NOTICE OF OPPOSITION

Applicant J. Thomas Wharton (“Applicant”) submits this Answer to Opposer MMO Life B.V.’s (“Opposer”) Notice of Opposition (“Opposition”).

1. Applicant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 1 of the Opposition and, therefore, denies the same.

2. Applicant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 2 of the Opposition and, therefore, denies the same.

3. Applicant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 3 of the Opposition and, therefore, denies the same.

4. Applicant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 4 of the Opposition and, therefore, denies the same.

5. Applicant admits Opposer has been granted United States Trademark Registration Numbers 4451731 and 4456662 for the word mark IQU, both for international class 35 but with separate goods and services descriptions. Applicant is without sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 5 of the Opposition and, therefore, denies the same.

6. Applicant admits Opposer is listed as the owner of United States Trademark Registration No. 4451731 with the goods and services description as alleged. Applicant is without sufficient information to form a belief as to the truth of the allegation that the first use date in commerce is June 1, 2011, and, therefore, denies the same.

7. Applicant admits Opposer is listed as the owner of United States Trademark Registration No. 4456662 with the goods and services description as alleged. Applicant is without sufficient information to form a belief as to the truth of the allegation that the first use date in commerce is June 1, 2011, and, therefore, denies the same.

8. Applicant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 8 of the Opposition and, therefore, denies the same.

9. Applicant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 9 of the Opposition and, therefore, denies the same.

10. Applicant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 10 of the Opposition and, therefore, denies the same.

11. Applicant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 11 of the Opposition and, therefore, denies the same.

12. Applicant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 12 of the Opposition and, therefore, denies the same

13. Applicant admits the allegations contained in Paragraph 13 of the Opposition.

14. Applicant admits the allegations contained in Paragraph 14 of the Opposition.

15. Applicant admits the allegations contained in Paragraph 15 of the Opposition.

16. Applicant admits the allegations contained in Paragraph 16 of the Opposition

17. Applicant admits the allegations contained in Paragraph 17 of the Opposition

18. Applicant admits the allegations contained in Paragraph 18 of the Opposition.
19. Applicant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 19 of the Opposition and, therefore, denies the same.
20. Applicant incorporates its responses to Paragraphs 1-19 by reference and realleges the same to Paragraph 20 of the Opposition.
21. The allegations of Paragraph 21 of the Opposition are legal conclusions to which no response is required.
22. The allegations of Paragraph 22 of the Opposition are legal conclusions to which no response is required.
23. Applicant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 23 of the Opposition and, therefore, denies the same.
24. Applicant denies the allegations contained in Paragraph 24 of the Opposition.
25. Applicant denies the allegations contained in Paragraph 25 of the Opposition.
26. The allegations of Paragraph 26 of the Opposition are legal conclusions to which no response is required. To the extent Paragraph 26 contains factual allegations, they are denied.
27. The allegations of Paragraph 27 of the Opposition are legal conclusions to which no response is required. To the extent Paragraph 27 contains factual allegations, they are denied.
28. Applicant denies the allegations contained in Paragraph 28 of the Opposition.

AFFIRMATIVE DEFENSES

Applicant reserves the right to amend its Answer to assert any and all affirmative defenses as may be supported by the facts to be determined through full and complete discovery.

CONCLUSION

WHEREFORE, Applicant requests that the Opposition be dismissed with prejudice.

DATED: February 6, 2015

Respectfully submitted,

By: /J. Thomas Wharton/

J. Thomas Wharton

Texas Bar No. 21243515

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the attached Answer to Notice of Opposition has been served upon the following counsel for Opposer at the correspondence address reflected in the TTAB records on February 6, 2015, via electronic mail and First Class USPS Mail to:

Thomas J. Mango
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COUNSEL FOR OPPOSER
MMO LIFE B.V.

/J. Thomas Wharton/

J. Thomas Wharton